



2877

331202.00004

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: Unknown
TIMOTHY M. RICHARDSON	)	
	:	Group Art Unit: 2877
Application No.: 09/773,674	)	
	:	
Filed: February 2, 2001	)	
	:	
For: TEST SLIDE FOR MICROSCOPES AND	)	
METHOD FOR THE PRODUCTION OF	:	March 26, 2004
SUCH A SLIDE AND METHOD OF USE	)	

**MAIL STOP PETITIONS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**PETITION FOR WITHDRAWAL OF HOLDING OF  
ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE**

Sir:

Based on the facts provided below, Applicant submits that the holding that the above-identified application is abandoned for failure to pay the Issue Fee is in error, and should be withdrawn.

A. On February 2, 2001, the above identified application was filed, providing an incorrect Customer Number of 21760. The law firm name and address were correctly set forth on the Utility Patent Application Transmittal form.

B. On March 23, 2001, a Change of Correspondence was filed, in which the customer number was corrected to read **27160**. The law firm name and address were correctly set forth on the Change of Correspondence.

Copies of these papers, and the date-stamped postcards showing their receipt in the U.S. Patent Office, are attached hereto.

Applicant's undersigned representative is currently of the belief that this application was abandoned for failure to pay the Issue Fee, based on statements to that effect made by Tom Hawkins, of the U.S. Patent Office Publications Branch, to Allen Rose, a paralegal in the DC office of the law firm Katten Muchin Zavis Rosenman. If this information is not accurate, Applicant respectfully requests that a representative of the U.S. Patent Office contact Applicant's representative at the phone number provided below to advise as to the status of the application.

Applicant's undersigned representative submits that no correspondence has ever been received from the U.S. Patent Office with respect to the above-identified application, despite the filing of two separate Status Inquiries on June 26, 2003 and November 11, 2003. It is now believed that ALL Patent Office correspondence regarding this application has been misdirected. More specifically, no Notice of Allowance and no Notice of Abandonment were ever received in this application.

#### **CONCLUSION**


Based on the above facts, and the attached documentation in support of the facts, Applicant submits that the abandonment of the above-identified application by the U.S. Patent Office was in error.

Applicant respectfully requests that the holding of abandonment for failure to pay the Issue Fee be withdrawn, and that the U.S. Patent Office resend the previously mailed Notice of Allowance (as well as copies of any additional papers relating to this application) to Applicant's undersigned representative at the address given below.

As this application was abandoned because of an error by the Patent Office, no fee is believed necessary to revive this application.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3549. All correspondence should continue to be directed to our address below.

Respectfully submitted,

  
Attorney for Applicant  
Dawn C. Hayes  
Registration No. 44,751

Patent Administrator  
KATTEN MUCHIN ZAVIS ROSENMAN  
525 West Monroe Street  
Suite 1600  
Chicago, Illinois 60661-3693  
Facsimile: (312) 902-1061



Assistant Commissioner for Patents  
Washington, D.C. 20231

Date 3/23/01

Atty. Docket

Application No.

1960.30DT  
091113,614

ir:

Kindly acknowledge receipt of the accompanying:

Response to Official Action.

Check for \$ (claims fee)

Petition under 37 CFR 1.136 and Check for \$

Notice of Appeal and Check for \$

Information Disclosure Statement, PTO-1449 and documents

Claim for priority and certified copies of priority applications

Issue fee transmittal and Check for \$

X Other (specify) Second Petition Demand Change At  
y placing your receiving date stamp hereon and returning to docket  
ity. RPB/dew Due Date 3/23/01



Assistant Commissioner for Patents  
Washington, D.C. 20231

Date 3/23/01

Atty. Docket

Application No.

1960.30DT  
091113,614

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Kindly acknowledge receipt of the accompanying:

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Petition under 37 CFR 1.136 and Check for \$

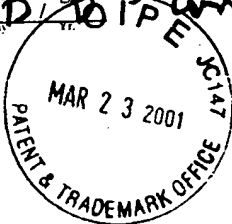
Notice of Appeal and Check for \$

Information Disclosure Statement, PTO-1449 and documents

Claim for priority and certified copies of priority applications

Issue fee transmittal and Check for \$

X Other (specify) Second Petition Demand Change At  
y placing your receiving date stamp hereon and returning to docket  
ity. RPB/dew Due Date 3/23/01





Assistant Commissioner for Patents  
Washington, D.C. 20231

Date 2-2-01  
Atty. Docket 1960.30 DI

Sir:

Kindly acknowledge receipt of the accompanying:

☒ Specifications, claims and abstract 11 pages, with Transmittal Form.

☒ Oath or Declaration and Power of Attorney ☒ Executed ☐ Not Executed

☒ 11 Sheets of Formal ☒ Informal Drawings

☒ Check for \$ 400.00 (filing fee) ☒ Copy D-up. Aut.

☒ Small Entity Declaration 5 (2) Copy

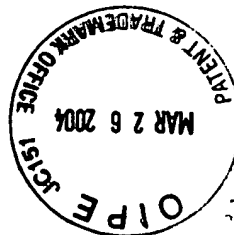
☐ Assignment, PTO-1595 and Check for \$

☐ Transmittal Under 37 CFR 1.136 and Check for \$

☒ Other (specify) 2 min. Annual + 553, 1443 + 13

by placing your receiving date stamp hereon and returning to deliverer.

Atty. RFB/dew Due Date 2 / 2 / 01





1960.30 DIV. I

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
TIMOTHY M. RICHARDSON ) : Examiner: R. Ratliff  
Application No.: 09/773,674 ) : Group Art Unit: 2877  
Filed: February 2, 2001 ) :  
For: TEST SLIDE FOR ) : March 23, 2001  
MICROSCOPES AND METHOD :  
FOR THE PRODUCTION OF )  
SUCH A SLIDE :  
)

Commissioner for Patents  
Washington, D.C. 20231

CHANGE OF CORRESPONDENCE

Sir:

Applicants request a change of correspondence from:

Fitzpatrick, Cella, Harper & Scinto

Customer No. 05514

30 Rockefeller Plaza

New York, New York 10112-3801

to:

Patent Administrator

Katten Muchin Zavis

Customer No. 27160

525 West Monroe Street

Suite 1600

Chicago, Illinois 60661-3693

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

\_\_\_\_\_  
Attorney for Applicants

Registration No. \_\_\_\_\_

Patent Administrator  
KATTEN MUCHIN ZAVIS  
525 West Monroe Street  
Chicago, Illinois 60661-3693  
Facsimile: (312) 902-1061



# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 1960.30 DIV. I

First Named Inventor or Application Identifier

TIMOTHY M. RICHARDSON

Express Mail Label No.

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)

2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.

3. ☒ Specification Total Pages

4. ☒ Drawing(s) (35 USC 113) Total Sheets

5. ☒ Oath or Declaration Total Pages

a. ☐ Newly executed (original or copy)

b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)

i. ☐ **DELETION OF INVENTOR(S)**  
Signed Statement attached deleting  
inventor(s) named in the prior application,  
see 37 CFR 1.63(d)(2) and 1.33(b).

6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer  
Program (Appendix)

8. ☐ Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)

a. ☐ Computer Readable Form (CRF)

b. Specification Sequence Listing on:

i. ☐ CD-ROM or CD-R (2 copies); or

ii. ☐ paper

c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))

10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)

11. ☐ English Translation Document (if applicable)

12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS  
Citations

13. ☒ Preliminary Amendment

14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)

15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)

16. ☐ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation

☒ Divisional

☐ Continuation-in-part (CIP)

of prior application No. 08 / 882,491

Prior application information:

Examiner R. Ratliff

Group/Art Unit: 2877

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

21760

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

NAME

KATTEN MUCHIN ZAVIS

525 West Monroe Street

Address

Suite 1600



CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	25 -20 =	5	X \$ 18.00 =	\$90.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	3 -3 =	0	X \$ 80.00 =	\$00.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			\$270.00 =	\$000.00
				BASIC FEE (37 CFR 1.16(a))	\$710.00
	Total of above Calculations =				\$800.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$400.00
	TOTAL =				\$400.00

19. Small entity status

- a. ☐ A small entity statement is enclosed
- b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

20. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.

21. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the recordal fee is enclosed.

22. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06-1205:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
NAME	Richard P. Bauer, Reg. No. 31,588
SIGNATURE	
DATE	February 2, 2001